1929

P18 [illegible]

Department of Land Rw + Sett

OFFICE Board of Rw

STATION Chepauk

Rs No 709

G133-29

Dated 7 3 29

	Date	Initial
Given for copying		
To whom sent	Copies	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on*	

SUBJECT.)

Survey Resurvey (Kanara Land
Encroachments Procedure
orders passed - Go. Communicat

Not to be filled in in the case of permanent records

Survey - Resurvey - (N Kara South.

Encroachments - Procedure.

****

Memo No. I.No 133-28-1 dated 10-1-29

11 Dec
Mks
LIT

The Bd. invites the attention of the Govt. to their orders Nos. 2326 Mis. dated 4-10-28, 2555 Mis. dated 30-10-28 and 2539 Press, dated 29-10-28 describing the procedure to be followed in regard to the treatment of encroachment revealed in the course of the resurvey and resettlement of the S. Kanara dt. The S.S.O. No. IV Party feels some doubts in regard to the scope and meaning of those orders.

2. The S.S.O's first point is whether G.O. 2539 Press dated 29-10-1928 is intended to apply to taluks under resurvey only or also to taluks in which there will be no resurvey. Although the wording of the order contemplates only resurveyed taluks, it appears, from the reference in it to supplemental survey, that it was intended to apply to the non-resurveyed taluks also. The second point raised by the S.S.O. is whether the sentence in the above G.O. "In cases where such representations are made proof of the alleged encroachment may be sought in the previous survey measurements if these can be reproduced now on the ground" supersedes the previous orders of Govt. contained in para. 2 of G.O. 2326 Mis. dated 4-10-28 in which it was laid down that the excess areas found at the resurvey should not be

(B)

ATTENDED
15 JAN 1929

(Y)

treated as encroachments merely on the basis of the old survey and resurvey records. Incidentally, the S.S.O. also brings to notice the effects which the orders of Govt. will have in taluks which will not be resurveyed. He explains that in the course of the supplemental survey only a few of the encroachments will be brought to light owing to the limited number of fields ~~which will be dealt with~~ at such survey. In the case of the other fields there will be no occasion to test the boundaries. It will have to be assumed that enjoyment and survey boundaries coincide, with the result that encroachments, if any, will continue as they are and the ryot will be allowed to enjoy more than ~~what~~ he pays assessment for. As the Board is not sure of the intentions of Govt. it submits the following as its interpretation of the several orders and requests to be informed if it has correctly understood them. //In resurveyed areas all poramboke and assessed waste boundaries should be resurveyed according to enjoyment and the resurvey boundary should be accepted as correct by the Settlement staff unless and until a representation is received from the villager that the resurvey boundary recognises encroachments that prejudicially affect the utility of the poramboke. On receipt of such a representation the S.S.O. should examine the allegation that there have been encroachments and

may use for this purpose the old survey records if the boundary can be relaid on the ground and any other evidence that can be adduced in support of the allegation that there has been an encroachment. (It is not, however, clear whether in the above cases, if there is no evidence other than the old survey records they can be accepted by themselves as sufficient evidence to prove the encroachment) Presumably, if the S.S.O. finds that there is an encroachment prejudicial to the utility of the poramboke, he may order the boundary to be revised so as to include the encroached area or the prejudicial part of it with poramboke. If he finds that there has been an encroachment, but that it is not prejudicial he may allow the encroacher to retain the land or part of it in his holding and if the evidence of encroachment is not merely the old survey records and where these are corroborated by other evidence, he may charge land value and back assessment.

In areas which are not to be resurveyed the poramboke and assessed waste boundaries as laid down by the old survey need not be examined for encroachments. Where however, in carrying out supplemental survey for other purposes it becomes necessary to relay a poramboke or assessed waste boundary that boundary should be relaid according to enjoyment and the procedure

indicated above as proper in the case of resurveyed tracts should be followed. In respect of other boundaries, it may be assumed, as stated above, that enjoyment and survey boundaries coincide unless representations to the contrary are received from the villagers when the S.S.O. should act in accordance with the principles laid down for resurveyed boundaries.

The above rules do not apply to encroachments on accretions in river beds.

3. By following the above procedure it is likely that many substantial encroachments on Orambokes and assessed wastes in taluks not resurveyed will not be brought to notice and in consequence the ryot will continue to enjoy them without paying any extra assessment. It is presumed that it is the intention of Govt. that such cases may be ignored by the S.S.O. and that they should be dealt with by the Rev. authorities in the ursual course. The Board, however, considers that the S.S.O. might be directed to take cognizance of and deal with, at least all the B and A memo cases that he could get hold of from the taluk office as this course will minimise the number of serious encroachments to be overlooked.

9/1/29 9/1/29 10/1/25.

To the Secy.

Copy to the S.S.O. No. IV Party.

8497

Received..28 JAN 1929 Registered.....1929

Abstract.

Survey - Resurvey - South Kanara - Encroachments - Procedure Orders passed.

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28 JAN.1929

REVENUE DEPARTMENT

G.O.No. Mis. 173 Dated 25th January 1929.

Read the following:-

G.O.No.2044 Revenue, dated 3rd Sept.1928.
G.O.No.2326 Revenue, dated 4th Oct. 1928.
G.O.No.2539 Revenue, dated 29th Oct.1928.
G.O.No.2555 Revenue, dated 30th October 1 9 2 8.

From M.R.Ry. K.R.Karant Avl., B.A.,L.L.B., and M.L.C., dated 21st December 1928.
From the Board of Revenue, Land Revenue and Settlement, Refce. G.133/29-1, dated 10th January 1929.

O R D E R : -

In paragraph 1 (b) of G.O.No.2044 Revenue, dated 3rd September 1928, the Government stated that as it was not possible in the South Kanara District to differentiate between cases of real encroachments and cases of defective demarcation at the original survey the excess areas found at the resurvey should not be treated as encroachment at all and requested the Board to issue instructions that neither back assessment nor the value of the land should be collected in such cases.

In G.O.2326 Revenue, dated 4th October 1928, the Government explained that the excess areas found at the resurvey should not be treated as encroachments merely on the basis of a comparison of the old survey and the resurvey records; but that where there were other records or satisfactory evidence proving the encroachment, the case should be treated as different and the orders in question should not be applied.

In G.O.No.2539 Revenue, dated 29th October 1928, the Government ordered that in South Kanara district porambokes measured according to the state of the ground at the survey should be taken as correct by the Settlement Partv. unless it

it was found by the Settlement Officer on a representation from the villagers that the utility of the ~~xxx~~ poramboke had been prejudiced by encroachments. In cases where such representations were made, proof of the alleged encroachment should be sought in the previous survey measurement if these could be reproduced on the ground. If no proof was forthcoming the poramboke should be deemed to have been correctly surveyed at the resurvey.

In G.O.No.2555 Revenue, dated 30th October 1928 the Government stated that their orders in paragraph 1 (b) of G.O. No.2044 Revenue, dated 3rd September 1928 regarding the levy of back assessment and the value of the land did not apply to encroachments on accretions and formations in rivers in South Kanara District.

2. The Government observe that there has been some misapprehension as to the general effect and intention of the above orders, and on a review of the whole situation, they have decided to issue the following further orders:-

(a) The orders conveyed in G.O.No.2326 Revenue dated 4th October 1928, are not to be interpreted to mean that when, as the result merely of a comparison of the old and new survey, occupation is found to amount to an encroachment evidence should then be sought from other sources to show that the occupation is in fact an encroachment. On the contrary, not only should a mere comparison of the two surveys not be made the basis of these charges but no attempt should be made to treat as an encroachment, any occupation of land at the disposal of Government unless the occupation is the subject of public representation (e.g. by the ryots in general or local bodies) and is found definitely to prejudice the utility of the poramboke. For the purpose of establishing the fact of such an encroachment a comparison of the old and new survey may of course be

be used as evidence.

(b) The position of river accretions is somewhat different, and ~~in~~ it was in this view that the orders in G.O.No.2555 dated 30th October 1928 were issued. On further consideration however. the Government are of opinion that these orders went too far and that there is force in the suggestion that for the levy of back assessment some attempt should be made to balance the gains and losses sustained by the owners of lands which by the processes of nature are subject to constant alluvion and diluvion. They consider therefore that it will be reasonable, in the special circumstances of these lands. while maintaining the principle that assessment for past years of enjoyment is due, to limit the charge on this account to 10 years' assessment and further to permit the Special Settlement Officer to waive even this charge when, and to the extent that, the land gained by accretion is balanced by land lost by erosion in the same holding. No payment (other than back assessment) will in any case be demanded on account of the assignment of an encroachment on an accretion.

4. The foregoing orders relate primarily to areas that have been, are being, or are about to be, resurveyed but should be applied mutatis mutandis to other areas. That is to say. when in the course of 'supplemental survey' it is found necessary to re-lay the boundary of poramboke or assessed waste land. the principles described in paragraphs 2 and 3 above should be followed. In regard to boundaries of this class which are not affected by the 'supplemental survey', the Special Settlement Officer should make no alterations unless representations are received from the ryots or from local bodies. In dealing with such representations the Special Settlement Officer should follow the principles laid down in paragraph 2 above. Alleged encroachments which

thus

thus escape the notice of the Settlement Officer will be dealt with in the usual course by the Revenue authorities The Special Settlement Officer, however, should be instru to obtain from the taluk offices as many B and A memos as possible and deal with them.

5. Orders will issue separately on the question of the separate demarcation and registration of the lands he under mulgeni tenure.

(By Order of the Governor in Council)

H.R.Pa..,

Secretary to Government.

To M.R.Ry. K.R.Karant Avargal. B.A., L.L.B M.L.C.
To the Board of Revenue, Land Revenue and Settlement
To M.E.Couchman Esquire, C.S.I., I.C.S., Retired.

F o r w a r d e d

(By Order)

P Krishnan

Superintendent.

26/1/25

s.r.i.25/1.

Recovery (Kanara South)
Encroachments. Procedure.
Orders passed. G.O. Communicated

READ AGAIN

17.10.28 192 .
2-11-28
10.11.28. 192 .

READ AGAIN
Bdle No. [redacted]

G. No. [redacted] Govt. R.D. Q

REGISTER NO. [redacted], No._____, dated_____192

,, _____ ,, _____192

,, _____, ,, _____192

RESOLUTION Mis. No. 709, dated 7.3- 192

Communicated to the Collector of South Kanara and S.S.O. No IV party

RA 6.3.29

6/3/29

To The Collector of South Kanara.
The S.S.O. No IV party
Copy to The Director of Survey

D.O.682
5.12.28

Office of the Special Settlement Officer,
Party No.IV.
Camp. CANNANORE
1st December 1928.

My dear Holdsworth,

BP 7994 (B) 10-11-28

SURVEY - Re-survey - South Kanara - Kasaragod Taluk - Encroachments - G.O.No.Press, 2539, dated the 29th October, 1928.

I must confess that I am at a loss as to how to interpret this Government Order, when read with the other South Kanara encroachment papers. First, does "resurvey and supplemental survey work" include supplemental work in Taluks that are not to be resurveyed? I rather think it does judging by what was said at the conference on the subject. If it does, the order in the next sentence—"poramboke measured according to the state of the ground at the survey should be taken as correct"—seems to be in opposition to the orders contained in G.O.No.Mis.,2044, dated the 3rd of September, 1928; for, if I follow the old survey measurements (said by Government to be unreliable), I will find that outside the ryotwari limits as so laid down there are occupied bits lying, also according to old survey, in poramboke limits but now actually merged with the ryotwari land. Whatever be the faults of the old survey, the ryot now pays assessment

according to the area ascertained at old survey, i.e., the area lying within his old survey limits; according to the Government Order quoted in the heading of my letter, no one, neither the Survey officers nor I, is to do anything to see, apart altogether from the question of back assessment, that he pays on his actual occupation in future. It will only be in cases touched by supplemental survey (e.g, subdivision for enjoyment) that, if the new line affects the area lying outside the old survey ryotwari limits, the Survey Departmen will measure the field as it now stands and will revise the area so as to make the ryot pay for what he actually occupies; if the ryot does not call Survey in for any such purpose, he gets an extra bit of land free, certainly until the next resettlement--for the Government Order will frighten away any zealous Revenue officer who wishes t 'book' the case--and probably for ever. Surely, if th ryot says, as he has said, that the old survey was wrong and that the "encroachment" is really a part of his old land, it is for us to say "We will admit your argument; but in that case it is obvious that the old area too is

wrong, and we must see that you pay on your whole holding".

Secondly, this order seems to contradict the two orders issued since the Government Order of the 3rd of September; in G.O.No.Mis.2555, dated the 30th of October, 1928, it was laid down that river accretions do not fall under the provisions of the Government Order of the 3rd of September; presumably the Government Order now under discussion ought to contain a proviso on this point. This, however, is a minor point; much more important, to my mind, is paragraph 2 of G.O.No.Mis.2326, dated the 4th of October, 1928, in which Government laid down the criterion for deciding whether an "encroachment" is really one or not; I have just answered the criticisms of Government on my work, pointing out that we have been using exactly this criterion. Does the Government Order of October (29) cancel this guiding principle or not? I should be glad to have instructions on the point.

My reasons for writing demi-officially first of all are, first, that I do not know what action is likely on my explanation of the methods employed by my staff, and

secondly, that I missed my chance of discussing whole matter as it now stands owing to the fact that I did not get the G.O. (Mis.2326, referred to above) that apparently modified Government's earliest pronouncement until after the conference--it actually reached me on October 22; if I had known the terms of that Government Order, I could have asked in Madras how it affects the ~~Government Order of October 4.~~ subject of the conference

Yours Sincerely,

A. MacBeath

To

B. G. Holdsworth Esquire, I.C.S.,
Secretary to the Commissioners of
Land Revenue & Settlement,
Chepauk, M A D R A S.

5 13

To AS (sett)

Please see the D·O from Mr Mac Ewen. - put up below

The papers quoted in the D·O are put up in the files noted below and are in circulation

1. File relating to the With M^r — revised set of Survey rules in Salem

and (2) File regarding ~~the~~ M^r's on circulation inspection notes relating to South Kanara

For orders whether action may be taken on the D·O on receipt of the files back in the section and whether the D·O may lie over for the present till 10-12-28

Q 5/12/28 VS 5/12/28

GO 5-12-28

4-12-28 AS (sett)

To A·S (sett)

The above files have not yet been received

For orders whether the D·O below may lie over till ~~10-12-28~~ the end of this week

What has happened to them?

GO 11/12/28 11-12-28

OS 14/12/28

AS (Sett)

To AS (Sett)

The file regarding survey rules in Salem Dt is probably with M2.

A/c c.c. to ~~notify~~ any
~~th~~ is an A/c's table in the office
or in the Inspectorate

14/11/67

file. Survey
9

CO
13/12/67
13-12-67

8

A.S(sett)

7 15

To A.S(sett)

Please see the D.O from Mr Mac Ewen at pp 1 to 4 ante

2/ Mr Mac Ewen expresses certain doubts in regard to the interpretation of the several orders recently passed by Govt in respect of the treatment of encroachments on poramboke during resurvey and these doubts all in the linked file are dealt with below

(a) His first doubt is whether the order in the opening portion of the G.O at (B) "that the instructions contained in B.P No 70 of 17-11-26 are not suitable in carrying out the resurvey and supplemental survey work necessary in the South Kanara Dt" is applicable also to the case of supplemental survey work in the taluks that are not to be resurveyed In the South Kanara Dt resurvey was sanctioned only in respect of ~~Coast and Kasaragod~~ the old Kasaragod taluk ie the whole of the present Kasaragod tk & portions of the present Puttur & Mangalore talukas. ~~villages only~~. As regards the rest of the district Govt considered that a resurvey was unnecessary G.O. No 2539 Rev. of 29-10-28, however seems to show ~~shows~~ that it is intended to be

× 3112 Mis 21-9-28 — (P)
3487 Mis 17-10-28 — (Y)
3701 Mis 2-11-28 — (F)
3799 Mis 10-11-28 — (B)

(B) linked file

applicable also to the supplemental survey work in the taluks not to be resurveyed.

(b) According to the instruction in the third sentence of the Govt. order at (B) Govt. ~~desire~~ the old survey measurements (in the case of taluks not to be surveyed) have to be adopted in all cases where no representations are made that the utility of the poramboke has been prejudicially affected by encroachments. The old survey measurements being themselves unreliable, the above instruction will amount to allowing the ryots in most cases to enjoy a greater extent of land than that for which he pays assessment. Mr Mac Ewen says that when the old survey measurements are considered to be incorrect, the old registered area also may as well be considered to be incorrect and that the ryot should be asked to pay assessment on the whole holding (the old area + the so called encroachment). This argument seems to have force and Govt will have to be addressed for a definite ruling. For orders whether Mr Mac Ewen may be asked to make an official reference in the matter through the collector, making

Mr Ewen to have been present at the Conference when "supplemental survey" areas, Perhaps he should be asked to. 21/12/27

Please send and return.

I do not think we need delay sending please. Mr Ewen's views carry much force in this point. Mr. Hutchins might be asked to address the Board officially in the matter quoting some concrete instances. He has also referred to this in his explanation put up below.

21/12/27

out a list of the cases of the Govt so that the orders of Govt may be obtained

(c) Mr Mac Ewen next ~~difficulty~~ doubt is whether the order issued in G.O No 2539. Rev. of 29-10-28 is to be considered to have cancelled the principle contained in the earlier order in para 2 of G.O No 232 Mis of 4-10-28, defining the criterion to be followed in determining what is an encroachment ~~and~~ and what not He also points out that the Govt order of the 29th October (B) does not contain a proviso regarding the collection of back assessment and land value directed in the case of encroachments on accretions and formations in river in South Kanara in G.O No 2553 dated 30-10-28 (F) It is submitted that the later orders are to be considered as additional instructions only and the all the orders as supplemental to one another In the latest order at (B) it is not stated that it supersedes the earlier orders. Mr Mac Ewen may be informed accordingly.

(B) 1...1928

(Y) (Some received from file regarding ...)

This will handle ... is extremely difficult ... make a comparison ... both and of the amended ... Please make ... Draft ... Dy ... 21/12/28

Cvo 15-12-28 B 15/12/28 The S.S.O's explanation appears to be

D.O. has been received in to-day's staffpl. It may be dealt with in that paper.

15/12/28

To A.S (Retd)

The explanation file refered to above is not yet complete. The explanations of the Assistant Director of Survey No V Party and of the Director of Survey are not yet received. Please see the D.S's reply to Board's remr on p 19 c-f below. He will be again reminded to-morrow

For orders whether this D.O from Mr Mac Swan may lie over till the other file is completed and taken up.

19/12/28

12-28

Put up (P) + also S.O. Mis. 2326 of 4-10-28

21/12/28

To A.S (Retd)

BP No 3112 Mis of 21-9-28 (P) is put up for the file regarding the question by which the certificate ordered by Govt to be issued in South Kanara should be issued BP No 3487 Mis of 17-10-28 (containing the q-D 2326 Mis of 4-10-28) is put up for the file regarding the rules for the issuance of pyramidons in the Salem Dt awaiting the discussion of S & M2.

21/12/28

Cos 21-12-28

21/12/28

Please see my remarks on the previous page.

21/12/28

A.S (Retd)

* put up below (c-f)

Mis filed pl

The G.O. at (3) is not absolutely clear. It refers to supplemental survey work in South Kanara in the second sentence and is therefore presumably intended to apply both to talukas where resurvey is not to be done and to the resurveyed taluks. I also believe the question of what action should be taken in respect of encroachments on poramboke where there was no resurvey was raised at the Conference but regret that I cannot recall any specific conclusion on the point. The wording of the G.O. however contemplates only resurveyed taluks. It is true that the reference to the "state of the ground at the survey" in the third sentence ~~xsxx~~ suggests the opposite; but if this sentence is read with the following sentences which complete the account of the procedure to be taken we find by the fifth sentence that it is only a resurvey that is contemplate I think however the G.O. is only inadequately drafted and that it was intended to refer to cases of supplemental survey as well as resurvey. If I remember rightly the idea in the former case was that the Settlement and Survey staff should act as if poramboke boundaries were correct and should not go looking for encroachments. Where supplemental survey involved the touching of a poramboke boundary that boundary would be relaid by the Survey in accordance with enjoyment and unless the villagers raised an objection no question of there being an encroachment would be raised, no land value or back assessment would be levied. In as far as this field was concerned there would have been a resurvey and the resurvey rules would be followed. In the case of other fields where there was no occasion to test the boundaries it would be assumed that enjoyment and survey boundaries coincided and no action would be taken by the Survey or Settlement staff. This however

is not clearly stated in the G.O. but evidently the S.S.O. reads the G.O. accordingly and my recollection of the Conference is that some such decision was announced by the Hon. Revenue Member.

The S.S.O. points out that this means leaving the ryot to enjoy his encroachment without paying assessment. I take it that the Hon. Revenue Member realised this when he announced his views and was prepared to accept it.

The S.S.O. also raises further difficulties in correlating the various G.Os. I think it would be a good thing for the Board to state now to Govt. exactly what it understands the present position to be and to ask if it has interpreted the G.Os. correctly in their relation to one another.

I submit the following as my reading of Govt's intention.

In resurveyed areas all poramboke and assessed waste boundaries will be resurveyed according to enjoyment & the resurvey boundary will be accepted as correct by the Settlement staff unless and until a representation is received from the villagers that the resurvey boun recognises encroachments that prejudicially affect the utility of the poramboke. On receipt of such a representation the S.S.O. may examine the allegation that there have been encroachments and may use for this purpose the old survey records if the boundary can be relaid and any other evidence that can be adduced in support of the allegation that there has been encroachment. (It is not however clear whether .O. at(B). in the above cases if there is no evidence other than the old survey records they can be accepted by themselves as sufficient evidence to prove the encroachment). Presumably if the S.S.O. finds that there is an encroachment prejudicial to the utility of the poramboke he will order the boundary to be revised so as to include the encroached area or the

prejudicial part of it with poramboke. If he finds there has been encroachment but that it is not prejudicial or that the whole of it is not prejudicial he will allow the encroacher to retain the land or part of it in his holding and if the evidence of encroachment is not merely the old survey records and where these are corroborated by other evidence he may charge land ~~revenue~~ value and back assessment.

In areas which are not to be resurveyed the poramboke and assessed waste boundaries as laid down by the old survey will not be examined for encroachment. Where however in carrying out supplemental survey for all other purposes it becomes necessary to relay a poramboke or assessed waste boundary that boundary will be relaid according to enjoyment and the procedure indicated above as proper in the case of resurveys as will apply.

In respect of other boundaries it will be assumed that enjoyment and the survey boundary coincide unless representations to the contrary are received from the villagers when the S.S.O. will act in accordance with the principles laid down for resurveyed boundaries.

The fact that there may be many substantial encroachments on poramboke or assessed waste that are not brought to notice and that in consequence the ryot will continue to enjoy them without paying assessment on the area beyond his boundary according to old survey may be ignored by the S.S.O. It will be for the Revenue authorities to deal with such cases of occupation by B or A memos etc.

The above rules do not apply to accretions in river beds.

I do not claim that the above interpretation is correct. It is the best I can make of the existing orders. I believe that at the conference the Hon. Revenue Member suggested that the S.S.O. might

L.R. will be charged in every case, won't it?

at (Y) read with W.O. at (P) 5.7.29 mistake for land value since corrected.

This appears to be the implication of the G.O. at (Y) limited ple

Revenue officers will have to be impressed the Rev. authorities by impression G.O. at (P) has been that they encroachments your case as a rule W 5.7.29

to take congnisance of and deal with all B (and
resumably A) memo cases that he could get hold of from
the Taluk Office. This may I think be suggested. It
will minimise the number of serious encroachments to be
overlooked.

DWO
4/1/29

1/2 as
5/1/29

orders for accordingly
as
5/1/29

To Asst Secy.

Asst Secy

Draft submitted
agg
9/1/29

M2.

TA
3-1-29. AG
8/1/29

Issued as Bdo Rep G.133-29-1 & 10.1.29 to Govt Mr 1-4 Cf
From the Govt. R.D. G.O 173 Rs & 25.1.29 Mr 5-8 Cf

To Asst Secy.

Please see paragraphs 2-4 of the G.O. at Mr 6-8 Cf.

In paragraph 2 (a) of the G.O. the Govt have laid down what the policy should be in regard to the detection of encroachments Their intention is that unless representations are received from outside that there have been some encroachments ~~the~~ of enjoyment as ground should be followed The survey should follow enjoyment, no matter how the old survey records are and the settlement should accept the survey as correct unless objections are received either from the ryots or from the Local Bodies, ~~and the enquiry are~~

The G.O. is not however clear as to what shd. be done in cases of encroachments referred to by them. The order states "Not only should a mere comparison of the two surveys not be made the basis of these charges, but no attempt shd. be made to treat as an encroachment an occupation of land at the disposal of Govt. unless the occupation is the subject of public representation (e.g. by the ryots in general or local bodies) and is found definitely to prejudice the utility of the poramboke". It is not clear whether in such cases the encroachments shd. be assigned to the encroacher after collecting back assessment and land value if necessary, or if the boundary of the poramboke shd. be revised so as to include the encroached portion in the poramboke. On principle the latter seems to be the correct procedure. If this is accepted, then there will be no case of encroachment assigned on collection of back assessment & land value.

In such a case it is clear that the encroached portion will be assigned.

~~Perhaps cases in which though the two conditions mentioned above are satisfied, the fact of encroachment cannot be established by a comparison of the old and the new survey.~~

treated as an encroachment included in poramboke (F)

Para 2(b) of the G.O.

The Government have modified their order in G.O. 2555 dated 30-10-28 in regard to the levy of back assessment on encroachments on river accretions. The Govt. now direct that back assessment shd. be levied only on the net area of the river poramboke included in the holding, that such assessment shd. be limited to 10 years and that in no case shd. land value be collected.

Para 4 of the G.O.

The Govt. have decided that the procedure ordered in paras 2 and 3 of the G.O. should be followed during the supplemental survey in the non resurveyed taluks. They have also accepted the Board's suggestion that the Settlement Officer shd. examine all B and A memo. cases.

For orders if the G.O. may be communicated

I think it must be whether it must undoubtedly enter a portion a.w. are to be assigned & included in the R.S. occupier liable for back cost.

24

s it is.

A/31-1-29
J.S/1-2-29.

Note by A.S. (Sell)

Please see para 2 (a) on p.6 - the portion marked in
lue pencil. I take it that the effect of the order
s this. 'Don't worry about any encroachment unless it
s the subject of public representation and it is found
efinitely to prejudice the utility of the poramboke.
f there is public complaint and the encroachment prejudicially
ffects the utility of the poramboke, presumably it shd.be
included in the poramboke and shd. not be assigned. There
will be practically no case in which the question of the
levy of land value or back assessment will arise. How
much rests in the hands of the Surveyor! One point,
however is not clear. Does the G.O.apply also to
assessed wastes? G.O.No. 2326 dated 4-10-28 was specially (y) linked file
passed on a reference about assessed wastes. In the case
f assessed wastes there is no question of public representa-
tion or prejudice to the utility of any poramboke. If an
assessed waste land, whatever be the extent, is included
in a ryot's holding following the enjoyment on the ground
is no land value (if the land is really valuable) or
back assessment to be levied?

aos
4/7/29.

I am all against assuming anything
as Govt' attention is regards this
particular subject I must in most
get their instructions definitely on all
points We may refer them once
more any how where the RSO's
attention is invited to an alleged
when we take it

That the is to satisfy himself

(1) whether there is such an enct.

(2) whether if there is enct, it is objectionable.

If there is no enct. the will of course leave the boundary as it stands. Similarly if the decide that there is an enct. but that it is unobjectionable the will leave the boundary unaltered & with no chge either land value or tech asset. If there is an objectionable enct the will renew the boundary so as to include as much of the enct. as prejudices the unity of the parties with the parties.

As regard to assessment matters the same procedure will be adopted & in no case will there be any charge for land value or tech assessment of course there will be no cases of objectionable occupation. In other words enjoyment will be granted without question

Suppose any known [redacted] that X occupies by kumaki by may of course complain that by not being a parties body as the right is granted by S.20. presumably must ignore this complaint I don't think Part. can mean this but that is what their rules seem to suggest

Yes
27/2

I don't think any further reference is really necessary The fo

v. if the question of local body objects to S80 is left to the Regional Boards the Regional Boards will decide, & follow S20 in their opinions

Yes
25/2

A

Yes
25/2

[redacted] 1/

is not / likely to happen
It is not possible to try to
enforce our point of view
as to what is advisable
now
See above also at pp 14 ante

WS
25 VII

Rec'd 2.3.29.
With 2 other Iraq connected files (Kirkuk
which are being submitted separately)

IOA
6.3.29

5

To Asst. Secy.

As (Sett)
1

Draft Communicating the Govt.

As submitted.

IOA
1.3.29.

CO
6/3/29

CO
6/3/29

B
A.S(Secl)

Survey. Resurvey. Sur
Encroachments. Proce

B.P. 709 Mis d 7-3-4 (N)

3487 Mis d 17-10-28 (Y)

To Asst. Secy.

Please se
d.o. from Mr MacEwen at pp 1-2
2. Presumably the question he
is whether the orders of the Gt
in G.o. 173 Mis d 25-1-29 in re
to the treatment of encroachmen
would apply to encroachments as
assessed was also. He thinks
no distinction need be made bet
the 2 classes of encts. Please see
this connection the Secys remarks
at A on page 25 (N) in which
Secy has held the same view
For orders if the d.o. may be filed

pp 5-8 (N)

4

JA
3.4.4.

AP no 709 mis dy 7.3.29

AS
3.4.29